

# Appendix A

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT THE ENVIRONMENTAL QUALITY COUNCIL CONDUCT AN INTERIM STUDY OF THE MONTANA ENVIRONMENTAL POLICY ACT.

WHEREAS, with the enactment of the Montana Environmental Policy Act (MEPA) 28 years ago, the Legislature intended to ensure that state agencies think about the consequences of their actions before they act and that Montanans be informed of and be allowed to participate in state agencies' decisions that affect Montanans and the quality of Montana's human environment; and

WHEREAS, although the purposes of MEPA are laudable, MEPA itself has not been comprehensively reviewed and the implementation of MEPA has not been extensively analyzed and updated since 1988; and

WHEREAS, the 56th Legislature has debated the need for significant policy changes to MEPA; and

WHEREAS, many legislators and interested parties concluded that the magnitude and complexity of MEPA implementation and policy issues deserve careful and deliberative study; and

WHEREAS, the Environmental Quality Council (EQC) has longstanding and statutorily required involvement in MEPA issues and has demonstrated strong bipartisan expertise in analyzing and reviewing MEPA policy and implementation.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

- (1) That the EQC be requested to give priority to the study of MEPA with the goals of:
  - (a) evaluating and improving the MEPA process;
  - (b) ensuring that the MEPA process results in state agencies making timely, efficient, informed, cost-effective, legally defensible, and ultimately better decisions; and
  - (c) ensuring that the MEPA process results in government accountability and that Montanans are informed of and participate in state agency decisions.
- (2) That the EQC, in consultation with any affected parties, seek to identify whether the

current implementation of MEPA is achieving its intended purpose in fulfilling the policy set forth in statute.

(3) That the study consider a broad range of MEPA issues, including but not limited to a review and analysis of:

- (a) the existing implementation of MEPA;
- (b) the issues raised and debated in House Bill No. 142 and Senate Bill No. 413 during the 56th legislative session;
- (c) any identifiable costs and benefits to agencies, permit applicants, citizens, and the human environment resulting from compliance with the policy and purpose of MEPA;
- (d) suggestions for improving the MEPA process;
- (e) whether citizens are effectively participating in the MEPA decisionmaking process; and
- (f) the successful and efficient implementation of other similar national and state laws.

(4) That the EQC actively solicit the participation of Montana citizens, groups and individuals whose state-regulated activities are subject to MEPA review, state and local officials, and any other persons or groups with interest in the outcome of the study.

(5) That state agencies responsible for implementing MEPA fully cooperate and assist the EQC in this study.

(6) That the EQC, prior to September 30, 2000, be requested to:

- (a) prepare a report of its findings and conclusions; and
- (b) identify options and make recommendations, including legislation if appropriate, to the Governor and to the 57th Legislature.

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